

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 1:22-cr-00273

Plaintiff,

-vs-

JUDGE DAVID A. RUIZ

JASON D. DELANEY,

ORDER

Defendant.

This matter is before the Court upon Defendant Jason D. Delaney's ("Defendant") request that the detention order in his case (R. 9) be revoked. Following a guilty plea, Defendant requested home detention pending sentencing. The Court heard the positions of the parties and ordered he remain in custody pending further order. Pursuant to 18 U.S.C. §3143(a)(2), the Court "shall order that a person who has been found guilty of an offense" with a maximum term of imprisonment of ten years or more as prescribed in the Controlled Substances Act under 21 U.S.C. §841(a)(1) and (b)(1)(B) be detained while awaiting sentencing, "unless (A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or (ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and (B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community." In this case, Defendant knowingly and voluntarily pleaded guilty to violating the Controlled Substances Act and the Court agreed to impose the parties' agreed upon sentence of 180 months imprisonment. Consequently, Defendant cannot

satisfy either requirement under 18 U.S.C. §3143(a)(2)(A)(i) or (A)(ii). Accordingly, Defendant's request is DENIED and the detention order (R. 9) remains in effect.

IT IS SO ORDERED.

Date: April 25, 2024

/s/ David A. Ruiz

David A. Ruiz

United States District Judge